

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT EARL NOBLE	)	
	)	
Plaintiff,	)	1:18-cv-06
	)	
v.	)	
	)	District Judge Baxter
THE CITY OF ERIE, PA	)	
( <i>Erie Police Department</i> ),	)	Magistrate Judge Lenihan
DONALD DACUS, <i>Chief of Police</i> ,	)	
MICHAEL NOLAN, <i>Erie Police</i>	)	ECF Nos. 18, 50, & 55
<i>Department Narcotics Unit, Lt.</i> ,	)	
JASON TRIANA, <i>Erie Police</i>	)	
<i>Department Narcotics Unit, Det.</i> ,	)	
STEVE DELUCA, <i>Erie Police</i>	)	
<i>Department Narcotics Unit, Det.</i> ,	)	
MICHAEL CHODUBSKI, <i>Erie Police</i>	)	
<i>Department Narcotics Unit, Det.</i>	)	
Individually and in their official capacities,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This civil action was commenced on January 8, 2018 when Plaintiff Robert Earl Noble filed his Motion for Leave to Proceed in Forma Pauperis. ECF No. 1. Plaintiff's motion was granted on January 11, 2018. ECF No. 3. The Complaint was docketed by the Clerk of Court on January 12, 2018. ECF No. 4. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 55), filed on July 15, 2021, recommended that the Motion to Dismiss (ECF No. 18) and the Supplemental Motion to Dismiss filed by Defendants Michael Nolan, The City Of Erie, Pa, Steve Deluca, Jason Triana, Michael

Chodubski, and Donald Dacus (ECF No. 50) be granted and that this civil action be dismissed in its entirety.

The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). Objections for registered users were due on July 29, 2021. Objections for unregistered ECF Users were due by August 2, 2021. ECF No. 55. No objections have been filed.

After *de novo* review of the pleadings, documents in the case and the Report and Recommendation, the following Order is entered:

**AND NOW**, this 13th day of August 2021,

**IT IS HEREBY ORDERED** that the Motions to Dismiss (ECF Nos. 18 & 50) filed by Defendants Michael Nolan, The City of Erie, Pa, Steve Deluca, Jason Triana, Michael Chodubski, and Donald Dacus are **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 55) of Magistrate Judge Lenihan dated July 15, 2021 is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark this case **CLOSED**.

**BY THE COURT**



Susan Paradise Baxter  
UNITED STATES DISTRICT JUDGE

cc: Robert Earl Noble  
310 West 3<sup>rd</sup> Street  
Erie, PA 16507